



United States Courts for the Ninth Circuit

# Public Information Office

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## NEWS RELEASE

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## **Ninth Circuit Court of Appeals Begins Special Sitting in Anchorage**

SAN FRANCISCO – The Ninth Circuit Court of Appeals today began a special week-long sitting at the federal court in Anchorage. The court's annual visit to Alaska also provides attorneys there with opportunities to meet informally with circuit judges to discuss appellate practice.

An appellate panel consisting of Circuit Judges Alex Kozinski, Richard C. Tallman and Marsha S. Berzon will hear arguments in 30 cases involving criminal and civil law, habeas matters, diversity questions and other issues. The proceedings began today and will continue Monday through Thursday of next week (July 24-27) at the Federal Building and U.S. Courthouse at 222 West Seventh Ave.

The panel judges also served as part of the judicial faculty for a continuing legal education program for Alaska attorneys. The Federal Appellate Advocacy program, held Thursday (July 20) at the Hotel Captain Cook, was organized by the Alaska Bar Association in cooperation with the U.S. District Court for the District of Alaska. Also participating were Ninth Circuit Chief Judge Mary M. Schroeder; Seth Waxman, the former U.S. solicitor general; and U.S. Supreme Court Clerk William Suter.

Cases on the docket for the court's special sitting include:

### **Monday, July 24**

- *Raad v. Fairbanks North Star Borough*, in which Nada Raad appeals *pro se* the district court's judgment in favor of defendants following a jury trial in her action against the Fairbanks North Star Borough School District alleging that she was denied permanent employment because of national origin (Lebanon), religion (Moslem), and gender. Raad contends that the jury verdict was not supported by the evidence, and that the district court erred in instructing the jury. In a consolidated appeal, Raad appeals *pro se* the district court's award of \$150,000 in

attorneys fees and \$23,274.26 in costs to appellee. Cases 04-35447 and 04-35624.

In companion appeal 04-35990, Raad's attorney before the district court, Robert A. Sparks, appeals *pro se* the district court's award of sanctions against him in the amount of \$1,000 based on his conduct before and during trial. Case 04-35990.

## **Tuesday, July 25**

- *Winterrowd v. Nelson*, in which defendant Alaska state troopers appeal the district court's denial of their motion for summary judgment on the basis of qualified immunity in Ralph Winterrowd's action alleging excessive use of force in violation of his Fourth Amendment rights. Winterrowd's claims arise from four different traffic stops for displaying false license plates on his vehicles. The district court granted summary judgment in favor of defendants on all of Winterrowd's claims, except one claim of excessive use of force. Case 04-35855.
- *Gillam v. Barton*, in which Robert B. Gillam appeals the district court's dismissal for lack of Article III standing his suit against Michael Barton, in his official capacity as the Commissioner of the Alaska Department of Transportation and Public Facilities (ADOT) alleging that ADOT violates Title VI of the Civil Rights Act of 1964, the Equal Protection Clause of the Fourteenth Amendment, and Alaska Law in its allocation of federal highway funds for road and bridge projects between remote and urban areas of the state. Case 05-35232.
- *Alaska Constitutional Legal Defense*, in which the Alaska Constitutional Legal Defense Conservation Fund, Inc., Alaska urban residents, a rural big game guide, and several non-resident hunters and fisherman appeal the district court's summary judgment against them in their action challenging regulations implementing Title VII of the Alaska National Interest Lands Conservation Act. The Act requires that only rural residents can obtain permits for subsistence hunting and fishing on federal land in Alaska and excludes all urban Alaska residents, all non-resident Americans and all foreign hunters and fisherman from obtaining such permits without regard to any other criteria. The plaintiffs named as defendants the United States and officials of the Department of Agriculture and the Interior. The Alaska Federation of Natives was granted leave to intervene as a defendant. Case 05-35922.
- *Minchumina Natives v. DOI*, involving a prior appeal in which this court reversed and remanded the district court's affirmance of a decision of the Interior Board of Land Appeals (IBLA) ruling that Minchumina Natives, Inc. (MNI) did not qualify as a Native group entitled to certain land settlement benefits under the Alaska

Natives Claims Settlement Act. Following remand, MNI here appeals the district court's affirmance of the IBLA's decision upholding its earlier decision denying MNI certification as a Native group under the ANCSA. Case 05-35708.

### **Wednesday, July 26**

- *Hart v. Progressive Cas. Ins. Co.*, in which Richard Hart appeals the district court's summary judgment in his diversity action claiming breach of contract by Progressive Casualty Insurance Co., which denied coverage for property damage after his charter fishing boat "Footloose" sank during a storm in Haines Harbor. Case 05-35511.
- *Pancratz v. Restricted Access Mgmt. Div.*, in which Matthew Pancratz, a commercial fisherman, appeals the district court's summary judgment and dismissal of his action under the Administrative Procedure Act and the Federal Tort Claims Act, challenging the Restricted Access Management Division of the National Marine Fisheries Service's ("RAM") transfer of his individual fishing quota shares for the Pacific halibut fishery to Vasily Sharabarin, another fisherman. Case 05-35722.

### **Thursday, July 27**

- *Randall v. Williamson*, in which Nancy Ann Randall, Jazmyn Lee Vent, and the estate of Corwin Lee Vent appeal the district court's summary judgment in their action alleging that Fairbanks police officer Perry Williamson used excessive force in shooting and killing Corwin Vent. Case 05-35112.
- *Sears Life Ins. v. Matson*, in which the husband and children of Lena Matson who died in a plane crash in Dillingham, Alaska, appeal from the district court's summary judgment in this diversity action brought by Sears Life Insurance Company for a declaratory judgment to interpret Lena's life insurance policy as providing for only a single benefit to a single beneficiary. The family sought insurance payments for Lena's spouse and each of her seven children. Case 05-35215.

A full listing of the cases to be considered by the panel is available online at under [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) "Calendar and Events."

The Ninth Circuit Court of Appeals regularly hears cases in San Francisco, Pasadena and Seattle, and also travels periodically to other cities within the circuit to hold court.

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